

## ORDINANCE NO. 11052019-01

AN ORDINANCE AMENDING ORD NO. 7-7-98 (ORD NO. 09-04-01, ORD NO. 03-05-02, ORD NO. 05-11-04, ORD NO. 110607-01, ORD NO. 04072009-01, ORD NO. 10252011-02, ORD NO. 08122013-05, ORD NO. 09062016-01, AND 06292018-01) PROVIDING FOR THE CODIFICATION OF INCREASED WATER AND SEWER UTILITY RATES FOR CUSTOMERS IN AND OUTSIDE CITY LIMITS, ALSO PROVIDING FOR THE BASIC CHARGES FOR WATER AND SEWER RATES BASED UPON SIZE OF METERS AND CHARGE TO CUSTOMER; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Florence ("City Council") finds that there exists a necessity for increasing the water and sewer rates for the utility customers of the City, including customers inside and outside the City limits; and

WHEREAS, the City "Utility Ordinance" also known as ORD No. 7-7-98, as amended by (ORD NO. 09-04-01, ORD NO. 03-05-02, ORD NO. 05-11-04, ORD NO. 110607-01, ORD NO. 04072009-01, ORD NO. 10252011-02, ORD NO. 8122013-05, ORD NO. 09062016-01, AND 06292018-01), provides for the collection of fees for water and wastewater service; and

WHEREAS, the City finds that the adoption of increased water and sewer rates are in the best interest of the City; and

WHEREAS, the City Council further finds that due to the difference in size in meters existing and to be installed in the city utility system, that the establishment of basic charges by the City based upon the size of meters is also in the best interest of the City:

NOW, THEREFORE, BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, WILLIAMSON COUNTY, TEXAS:

### I. ADOPTION OF PREAMBLE

That the matters set forth in the preamble to this ordinance are adopted herein verbatim.

### II. AMENDMENT TO UTILITY ORDINANCE

RESOLVED, that ORD NO. 7-7-98, as previously amended by, (ORD NO. 09-04-01, ORD NO. 03-05-02, ORD NO. 05-11-04, ORD NO. 110607-01, ORD NO. 04072009-01, ORD NO. 10252011-02, ORD NO. 08122013-05, ORD NO. 09062016-01, AND 06292018-01), shall be further amended to provide for the increase in the rates for water and wastewater service, as well as to provide for the charges for meter installation, (the "Utility Ordinance"), which shall include the following:

## SECTION I: UTILITY RATES FOR WATER AND SEWER

### 0.00 FACTUAL FINDINGS

The City Council of the City of Florence, Texas, hereby finds the recitals set forth in the preamble to ORD No. 7-7-98 to be true and correct and are hereby incorporated by reference herein and expressly made a part hereof as if copied verbatim.

### 1.00 WATER RATES

1.01 RATES AND CHARGES ESTABLISHED. The monthly rates and charges for the sales made of services rendered by the water system of the City are established, levied, fixed and prescribed as set forth 1.02 below.

1.02 RATES AND CHARGES-WATER-SCHEDULED. Rates and charges for water service are as follows:

### 1.03 CODE DEFINITIONS-

RS- Residential Single

MF- Multi-Family

COM-Commercial

L/CW- Laundry/Carwash

F/S- Food Service

#### A. Inside City Limits

1. Basic service per month for 0 - 2,000 gallons based upon size of (1) meter and code:

#### RS-1

5/8" meters:	\$ 39.96
1" meters:	\$ 45.53
1.5" meters:	\$ 59.44
2" meters:	\$ 73.36

#### MF-1

1" meters:	\$ 46.92
2" meters:	\$ 84.49

#### COM-1

5/8" meters :	\$ 41.35
1" meters:	\$ 46.92
1.5" meters:	\$ 60.83
2" meters:	\$ 85.88
3" meters:	\$ 258.42
4" meters:	\$ 522.81
6" meters:	\$ 536.72

#### L/CW-1

5/8" meters:	\$ 41.35
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	1" meters:	\$ 46.92
	2" meters:	\$ 85.88
F/S-1		
	5/8" meters:	\$ 41.35
	1" meters:	\$ 46.92
	1.5" meters:	\$ 60.83
	2" meters:	\$ 86.13

For Additional service per month (over 2,000 gallons), add:

2. From 2,001 - 4,000 gallons \$4.25 per 1,000 gallons\*per month
  3. From 4,001 - 6,000 gallons \$4.31 per 1,000 gallons\*per month
  4. From 6,001 - 8,000 gallons \$4.42 per 1,000 gallons\*per month
  5. From 8,001 - 10,000 gallons \$4.44 per 1,000 gallons\*per month
  6. From 10,001 - 15,000 gallons \$6.69 per 1,000 gallons\*per month
  7. From 15,001 - 20,000 gallons \$7.13 per 1,000 gallons\*per month
  8. From 20,001 - 30,000 gallons \$8.44 per 1,000 gallons\*per month
  9. From 30,001 - 45,000 gallons \$10.63 per 1,000 gallons\*per month
  10. From 45,001 gallons and up \$14.30 per 1,000 gallons\*per month
- \* or less

Examples...

(1) if 2,100 gallons used for one month for R/S-1 5/8" meter, fee of \$39.96 for basic service, plus \$4.25 additional service for each 1000 gallons or less for 2nd category; since only 100 more gallons used, only additional charge of \$.42; total of \$39.96 + \$.42= \$40.38 due.

## B. Outside City Limits

Basic service:

1. From 0 - 2,000 gallons per month, the charge for basic water service is 1 1/2 multiplied by the applicable base rate, determined by the size of the meter and code as set forth in Section 1.02 A 1. as set forth above.

RS-2

5/8" meters:	\$ 59.44
1" meters:	\$ 67.79
1.5" meters:	\$ 88.66
2" meters:	\$ 120.38

MF-2

1" meters:	\$ 69.87
2" meters:	\$ 126.24

COM-2

5/8" meters :	\$ 61.54
1" meters:	\$ 69.87
1.5" meters:	\$ 90.76

2" meters:	\$ 128.33
3" meters:	\$ 387.15
4" meters:	\$ 783.72
6" meters:	\$ 804.60
L/CW-2	
5/8" meters:	\$ 61.54
1" meters:	\$ 69.87
2" meters:	\$ 128.33
F/S-2	
5/8" meters:	\$ 61.54
1" meters:	\$ 69.87
1.5" meters:	\$ 90.76
2" meters:	\$ 128.33

For Additional service over 2,000 gallons per month, the charge is:

2. From 2,001 - 4,000 gallons \$4.25 per 1,000 gallons\*per month
  3. From 4,001 - 6,000 gallons \$4.31 per 1,000 gallons\*per month
  4. From 6,001 - 8,000 gallons \$4.42 per 1,000 gallons\*per month
  5. From 8,001 - 10,000 gallons \$4.44 per 1,000 gallons\*per month
  6. From 10,001 - 15,000 gallons \$6.69 per 1,000 gallons\*per month
  7. From 15,001 - 20,000 gallons \$7.13 per 1,000 gallons\*per month
  8. From 20,001 - 30,000 gallons \$8.44 per 1,000 gallons\*per month
  9. From 30,001 - 45,000 gallons \$10.63 per 1,000 gallons\*per month
  10. From 45,001 gallons and up \$14.30 per 1,000 gallons\*per month
- \* or less

### C. Wholesale Water

Basic Service:

1. From 0 - 50,000 gallons \$300 per month, and add for:

Additional Service

2. From 50,001 gallons and up \$2.00 per 1,000 gallons\*per month
- \*or less

### D. Bulk Water

1. \$3.00 per 100 gallons per load
2. See Bulk Water ORD No. 3-7-00 for details

1.04 RATES AND CHARGES ESTABLISHED. The monthly rates and charges for the sales made of services rendered by the sewer system of the City are established, levied, fixed and prescribed as set forth in Section 1.05 below.

1.05 RATES AND CHARGES-SEWER-SCHEDULED Rates and charges for sewer service are as follows:

**A. Inside City Limits**

Basic service per month for 0 - 2,000 gallons based upon size of (1) meter and code:

**RS-1**

5/8" meters:	\$ 26.20
1" meters:	\$ 26.20
1.5" meters:	\$ 26.20
2" meters:	\$ 26.20

From 2,001 gallons and up \$2.00 per 1,000 gallons\* per month

**MF-1**

1" meters:	\$ 37.75
2" meters:	\$ 46.15

From 2,001 gallons and up \$2.00 per 1,000 gallons\* per month

**COM-1**

5/8" meters :	\$ 27.25
1" meters:	\$ 31.45
1.5" meters:	\$ 39.85
2" meters:	\$ 54.55
3" meters:	\$ 163.75
4" meters:	\$ 221.50
6" meters:	\$ 316.00

From 2,001 gallons and up \$2.40 per 1,000 gallons\* per month

**L/CW-1**

5/8" meters:	\$ 28.30
1" meters:	\$ 31.45
2" meters:	\$ 57.70

From 2,001 gallons and up \$2.60 per 1,000 gallons\* per month

**F/S-1**

5/8" meters:	\$ 28.30
1" meters:	\$ 31.45
1.5" meters:	\$ 40.90
2" meters:	\$ 57.70

From 2,001 gallons and up \$2.90 per 1,000 gallons\* per month

**B. Outside City Limits**

From 0 - 2,000 gallons per month, the charge for basic sewer service is 1 1/2 multiplied by the applicable base rate, determined by the size of the meter and code as set forth in Section 1.02 A 1. as set forth above.

**RS-2**

5/8" meters:	\$ 38.80
1" meters:	\$ 38.80
1.5" meters:	\$ 38.80
2" meters:	\$ 38.80
From 2,001 gallons and up \$2.00 per 1,000 gallons* per month	
MF-2	
1" meters:	\$ 57.89
2" meters:	\$ 67.73
From 2,001 gallons and up \$2.00 per 1,000 gallons* per month	
COM-2	
5/8" meters :	\$ 39.38
1" meters:	\$ 45.68
1.5" meters:	\$ 58.28
2" meters:	\$ 80.33
3" meters:	\$244.13
4" meters:	\$330.75
6" meters:	\$472.50
From 2,001 gallons and up \$2.40 per 1,000 gallons* per month	
L/CW-2	
5/8" meters:	\$ 40.95
1" meters:	\$ 45.68
2" meters:	\$ 85.05
From 2,001 gallons and up \$2.60 per 1,000 gallons* per month	
F/S-2	
5/8" meters:	\$ 40.95
1" meters:	\$ 45.68
1.5" meters:	\$ 59.85
2" meters:	\$ 85.05
From 2,001 gallons and up \$2.90 per 1,000 gallons* per month	

RS-1 and RS-2 will use December, January, February to determine a monthly average to calculate their sewer rate for the next (12) twelve months beginning April 1 of every year.

### III. LATE FEE; COLLECTION OF CHARES

(a) All water bills will be mailed by the first day of each month. Each water bill will include the following statement: "This is the notice for payment due. A \$10.00 late fee will automatically be added in the event [payment is not made] on or before 5:00 p.m. on the 20th of the month. In the event that the 20th falls on a week [weekend] or holiday, the due date shall fall on the first business day following the weekend or holiday."

(b) Late fees will be assessed on the outstanding balance as set forth above in the amount of \$10.00 and shall be applied to each unpaid water bill automatically on the morning of the 21st day of each month, unless (1) the customer is 60 years of age or older and makes a request for delay under section 182.002 V.T.C.A., Utilities Code, or (2) the 20th falls on a weekend or

holiday, in which event the late fee shall be assessed on or after 5:00 p.m. on the first business day thereafter as provided above, or (3) the customer disputes the bill and the matter is resolved following the procedures set forth herein. In the event a customer disputes a utility bill before the 21st of the month, then no late fee shall be assessed until the procedures set forth herein are completed.

(Ordinance 7-7-98 adopted 7/7/1998)

(c) A payment plan fee of \$20.00 will be assessed to those receiving proper authorization to pay the balance of their account in increments or monthly installments, not to exceed the following tier-

Up to \$400- 6 months

\$401- \$1,000- 12 months

\$1,001 and up- 18 months

following the original due date. Payments must be made with the current monthly bill by the first day of the month following the due date, or service will be terminated until the current balance is paid in full. In addition, a payment extension may be granted to those requesting so, not to exceed 7 working days past the first of the month following the due date, in accordance with state and federal regulations, with no more than two extensions in a one-year period. (Ordinance adopted 7/7/1998)

(d) If the bill for such water service has not been paid as provided above, the city utility secretary shall, on or before the 20th of the month, forward a notice of delinquency to such delinquent utility customer which shall state that the water service will be turned off for nonpayment of the previous month on the 1st of the next month unless paid. The notice shall also state that questions regarding the payment of bills and turn off for nonpayment should be directed to the city utility secretary, which must be raised prior to the 1st day of the next month.

(e) On or before the 1st of each month, or the first working day thereafter, a list will be printed of each address with an unpaid water bill from the previous month. This list will be known as the "TURN OFF LIST" and all addresses listed shall be turned off for nonpayment after the 1st of the month. All turn offs will be accomplished between the hours of 8:00 a.m. and 12:00 noon. Notwithstanding the foregoing, however, in the event that the utility customer should dispute or contest a utility bill as hereinafter provided, such utility customer's water shall not be turned off until such customer has an opportunity to resolve the dispute as hereinafter provided.

(f) In the event a utility customer disputes a utility bill at any time before service is terminated for nonpayment, such utility customer shall be afforded an opportunity to discuss the problem with the city water secretary within seven (7) days to resolve the situation, and given written notice that in the event the utility customer does not contact the city water secretary within that time period, that the customer's water service will be terminated thereafter. In the event the city water secretary is unavailable, the customer shall have the right to proceed to request a hearing before the city secretary as herein provided, without having to meet with the city water secretary. In the event that the utility customer and the city

water secretary discuss the problem and are unable to reach a resolution, the utility customer shall have the right to appeal the decision to the city secretary, and upon the utility customer's written request, an informal hearing shall be held within seven (7) days of the request to adduce evidence of the problem and attempt to resolve the matter. If the utility customer fails to give written notice of appeal within seven (7) days of the city water's secretary's decision, then thereafter the city may terminate the customer's water service. If the customer gives the written notice for a hearing with the city secretary, an informal hearing shall be held and the city secretary shall render a decision. If the customer is dissatisfied with the decision of the city secretary, the customer shall have ten (10) days from the receipt of that decision to appeal the decision of the city secretary in writing to the city council. If the customer appeals the decision, the issue shall be placed on the agenda for the next available city council meeting. The council shall provide an evidentiary hearing, with the customer being afforded the rights of presentation of evidence, cross examination of witnesses, and argument. The council shall make a decision and notify the customer of such decision in writing. The decision of the council shall be final. If the decision is against the customer, the notification to the customer shall state that the customer's utility service shall be terminated within seven (7) days of the notice unless the account is paid.

(g) A service fee of \$40.00 will be added to the water bill automatically for each meter that is to be turned off. At that time, a meter reading will be taken for each meter that is taken out of service. For all water bills paid on the morning of the 1st day of the month following the notices, the service fee shall also be paid, and the meter will be turned off then turned back on.

(h) On the day after turn offs have been completed, all unpaid accounts will be inspected to insure that the water is still off. If it is found that the water meter is on or the water meter reading has changed indicating water has been used, the water meter will again be turned off and a locking device will be employed to insure the water meter remains turned off. In such an event, another service fee of \$40.00 will automatically be added to the balance of the bill.

(i) On the day after the water meters have been locked out, all unpaid accounts will again be inspected to insure that the water meter is still locked out. If it is found that the locking device has been removed, then the following actions shall occur:

(1) A fee of \$50.00 will be added to the water bill for the damage and removal of the locking device plus cost of parts; and

(2) The water meter cut-off valve will again be locked out and the water meter will be removed from the service connection. A fee of \$75.00 will be charged for resetting the water meter.

(j) On the date after the water meters have been removed from service, all unpaid accounts will be inspected again to insure that the water is still off. If it is found that a jumper of any kind (another meter, piece of pipe, a hose) has been installed to allow water to be obtained by the residence with an unpaid water bill, the local police will be notified to come to the address as soon as possible so they can take appropriate legal action. Once the jumper has been removed, the water supply for this service will be disconnected at the main line connection and a fee of \$250.00 will be added to the outstanding water bill.



(k) All fines, fees, penalties and service charges are to an account and as such must be paid in full by the owner or resident prior to water service being resumed for that property.

(l) This section allows the city to impose a lien against an owner's property for delinquent bills for municipal water service to the owner's property in accordance with the Texas Local Government Code, subchapter 1, section 552.0025, as written and as herein amended.

(Ordinance 7-7-98 adopted 7/7/1998; Ordinance adopting Code)

#### IV. CONFLICT

That any ordinances in conflict with this ordinance, in whole or in part, are repealed to the extent of the conflict.

#### V. PUBLICATION

The City Secretary is hereby authorized and directed to publish the caption of this Ordinance, in the manner and for the length of time provided by law.

#### VI. EFFECTIVE DATE

This Ordinance shall take effect on the date of its publication in accordance with state law.

PRESENTED, PASSED and APPROVED on first reading this the 5 day of November, 2019, by 5 affirmative votes at a meeting of the City Council of the City of Florence, Texas.

THE CITY OF FLORENCE

Mary Condon  
MARY CONDON, MAYOR

ATTEST:

Amy L Crane  
AMY L CRANE, CITY SECRETARY

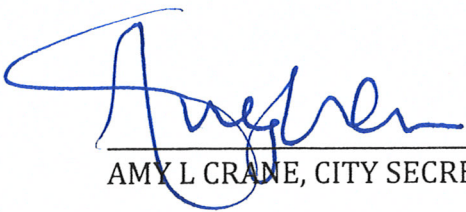
5 PASSED AND APPROVED on second reading this 3 day of December 2019, by 5 affirmative votes, at a meeting of the City Council of the City of Florence, Texas.

THE CITY OF FLORENCE

Mary Condon  
MARY CONDON, MAYOR

ATTEST:



  
AMY L CRANE, CITY SECRETARY



CERTIFICATE OF POSTING

STATE OF TEXAS

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'  
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COUNTY OF WILLIAMSON

I, Amy L. Crane, being the current City Secretary of the City of Florence, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 11052019-01, passed and approved by the City Council of the City of Florence, Texas, on the 3 day of December 2019, and such Ordinance was duly adopted at a meeting open to the public and notice of said meeting, giving the date, place, and subject thereof, was posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this 6 day of Dec, 2019.

  
Amy L. Crane, City Secretary